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24 **UNITED STATES DISTRICT COURT
25 NORTHERN DISTRICT OF CALIFORNIA**

26 CHASOM BROWN, WILLIAM BYATT,
27 JEREMY DAVIS, CHRISTOPHER CASTILLO,
28 and MONIQUE TRUJILLO, individually and on
behalf of all other similarly situated,

29 Plaintiffs,

30 v.

31 GOOGLE LLC,

32 Defendant.

33 Case No.: 4:20-cv-03664-YGR-SVK

34 **JOINT STIPULATION RE:
35 PLAINTIFFS' REQUEST TO COMPEL
36 LIVE TESTIMONY FROM MS.
37 BORSAY AND MR. HALAVATI AT
38 TRIAL**

39 Judge: Hon. Yvonne Gonzalez Rogers

40 Trial Date: January 29, 2024

1 Pursuant to Civil Local Rule 7-12, this joint stipulation is entered into between Plaintiffs and
 2 Google LLC (“Google”), collectively referred to as the “Parties.”

3 WHEREAS, at the Pretrial Conference on November 29, 2023, the Parties informed the
 4 Court of a dispute as to whether Google could or should be compelled to make Ms. Sabine Borsay—
 5 a current Google employee who is a German citizen and resides in Germany—available to testify
 6 live at trial. *See PTC Tr. 29:10–30:20.*

7 WHEREAS, at the Pretrial Conference, the Parties also informed the Court of a similar
 8 dispute as to whether Google could or should be compelled to make Mr. Ramin Halavati—a current
 9 Google employee who is a non-U.S. citizen and resides in Germany—available to testify live at trial.
 10 *See PTC Tr. 31:7–32:5.*

11 WHEREAS, on December 4, 2023, the Court issued Pretrial Order No. 1, directing the
 12 Parties to “provide briefing not to exceed three pages with respect to the appearance of witnesses
 13 Sabine Borsay and Ramin Halavati” and travel information for both witnesses. Dkt. 1076 ¶ 7.

14 WHEREAS, at the Pretrial Conference, Plaintiffs declined the Court’s invitation to brief the
 15 issue of whether Google should be compelled to make Mr. Ramin Halavati available to testify live
 16 at trial and agreed to withdraw their request that he testify live. *See PTC Tr. 32:18–20.*

17 WHEREAS, in the interest of conserving judicial resources and resolving pretrial disputes
 18 without Court involvement, Plaintiffs and Google agree that Ms. Sabine Borsay will not testify live
 19 at trial.

20 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties as
 21 follows:

22 1. Plaintiffs will withdraw their request that the Court compel Google to make Mr. Ramin
 23 Halavati or Ms. Sabine Borsay available to testify live at trial.

24 2. The Parties accordingly agree not to file briefing on whether Google can or should be
 25 compelled to make Mr. Ramin Halavati and/or Ms. Sabine Borsay available to testify live at trial,
 26 whether in person or remotely, or submit the travel information for those witnesses ordered in
 27 connection with that briefing.

1 3. The Parties reserve all other rights with respect to these witnesses.

2 Dated: December 12, 2023

3 BOIES SCHILLER FLEXNER LLP

5 */s/ Mark C. Mao*

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20 *Attorneys for Defendant Google LLC*

21 **ATTESTATION OF CONCURRENCE**

22 I, Mark Mao, am the ECF user whose ID and password are being used to file JOINT
23 STIPULATION RE: CERTAIN REFERENCES TO INCOGNITO AND TWO PLAINTIFFS'
24 BACKGROUNDS. Pursuant to Civil L.R. 5-1(i)(3), I hereby attest that each of the signatories
25 identified above has concurred in the filing of this document.

26 Dated: December 12, 2023

27 By /s/ Mark C. Mao

28 Mark C. Mao

Counsel on behalf of Plaintiffs

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER CASTILLO,
and MONIQUE TRUJILLO, individually and on
behalf of all other similarly situated,

6 Plaintiffs,

7 v.

8 GOOGLE LLC,

9 Defendant.

10 Case No.: 4:20-cv-03664-YGR-SVK

11
12
JOINT STIPULATION AND
[PROPOSED] ORDER ENTERING
STIPULATION

13 Judge: Hon. Yvonne Gonzalez Rogers

14 Trial Date: January 29, 2024

15
16
[PROPOSED] ORDER

17 Pursuant to stipulation of the Parties, the Court hereby **ENTERS** the stipulation.

18
19
20
21 DATED: _____

22
23 HON. YVONNE GONZALEZ ROGERS
24 United States District Judge